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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/235,038	01/21/1999	STEVE KRUY	777.240US1	5262

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11/14/2002

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EXAMINER

COLBERT, ELLA

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 11/14/2002

#24

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/235,038

Applicant(s)

KRUY ET AL.

Examiner

Ella Colbert

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Claims 1-18 and newly added claims 19-22 are pending in this communication filed 08/27/02 entered as Amendment D, paper no. 22.
2. The Extension of time filed 08/27/02 has been entered as paper no. 22.
3. The Associate Power of Attorney filed 09/09/02 has been entered as paper no. 23.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 6,145,119) House et al, hereafter House in view of (US 4,558,413) Schmidt et al, hereafter Schmidt.

With respect to claim 1, House teaches a first program to manipulate an item (col. 2, lines 4-8), a database having the item (col. 3, lines 44-50).

House did not teach, a source code control (SCC) system to store versions of the item and a second program to check in and check out the item, such that modification of the item is restricted when the item is checked out.

Schmidt discloses a source code control (SCC) system to store versions of the item (col. 3, lines 56-60), and a second program to check in and check out the item,

Art Unit: 3624

such that modification of the item is restricted when the item is checked out (col. 4, lines 3-22 and col. 8, lines 45-50). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a source code control (SCC) system to store versions of the item and a second program to check in and check out the item, such that modification of the item is restricted when the item is checked out a second program to check in and check out the item, such that modification of the item is restricted when the item is checked out and to combine House's a database having the item with Schmidt's source code control (SCC) system to store versions of the item and a second program to check in and check out the item, such that modification of the item is restricted when the item is checked out a second program to check in and check out the item, such that modification of the item is restricted when the item is checked out because such a modification in House would allow House's system manage the versions of source code programs enforcing a check-in and check-out regimen for controlling access to versions of programs being changed (modified).

With respect to claim 2, House teaches the first program comprises an editor program to edit the stored item (col. 5, lines 10-27). Schmidt discloses the first program comprises an editor program to edit the stored item (col. 18, lines 44-62). Together House and Schmidt teach the claim limitations of claim 2.

With respect to claim 3, House teaches the first program and the second program (col. 4, lines 32-49). Schmidt discloses checking the item out (col. 3, lines 57-60). It would have been obvious to one having ordinary skill in the art at the time

Art Unit: 3624

the invention was made to have the first program to request to check out the item and the second program check out the item to the first program and to combine House's first program and second program with Schmidt's checking the item out because such a modification in House would allow House to have a Source Code Control System (SCC) that enforces the check-out regime and to control access to the first program and the second program.

With respect to claim 4, House teaches the second program provides the first program a choice of one or more different versions of the item at the Source Code Control (SCC) System and one or more different versions of the item at the database (col. 6, lines 17-34 and col. 7, lines 52-67). Schmidt discloses different versions of the item at the Source Code Control (SCC) System (col. 3, lines 45-58) and one or more different versions of the item at the database (col. 4, lines 44-52).

Together House and Schmidt teach the claim limitations of claim 4.

With respect to claim 5, this dependent claim is rejected for the similar rationale given for claim 4.

With respect to claim 6, this dependent claim is rejected for the similar rationale given for claim 4.

With respect to claim 7, House teaches the first program and the second program (col. 4, lines 32-49). Schmidt discloses checking the item in (col. 3, lines 57-60). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the first program to request to check in the item and the second program check in the item into the source code control (SCC) and to combine

Art Unit: 3624

House's first program and second program with Schmidt's checking the item into the source code control (SCC) because such a modification in House would allow House to have a Source Code Control System (SCC) that enforces the check-out regime and to control access to the first program and the second program.

With respect to claim 8, House teaches the second program (col. 4, lines 32-49)

House did not teach checking in the item into the source code control (SCC) system as saved to the database. Schmidt teaches checking in the item into the source code control (SCC) system as saved to the database (col. 4, lines 44-56). It would have been obvious to one having ordinary skill in the art at the time the invention was made to check in the item into the source code control (SCC) as saved to the database and to combine House's second program with Schmidt's checking the item into the source code control (SCC) as saved to the database because such a modification in House would allow House to have a Source Code Control System (SCC) that enforces the check-in regime and to control access to the second program and to save the item to a database. A database is well known in the art as being a file composed of records containing fields together with a set of operations for searching, sorting, recombining, and other functions.

With respect to claim 9, House teaches the database comprises a Structured Query Language (SQL) database (col. 5, lines 10-27).

With respect to claim 10, House teaches comparing a stream of the item in the source code control (SCC) system with a stream of the item in a database (col. 7, lines 6-28); determining whether the stream in the source code control (SCC)

Art Unit: 3624

system is identical to the stream in the database (col. 7, lines 16-22); upon determining that the system in the source code control (SCC) system is different than the stream in the database, providing a user a choice to select one of the stream in the source code control (SCC) system and the stream in the database (col. 3, lines 46-51 and col. 7, lines 30-42). House did not teach checking out the item selected by the user, such that modification of the item is restricted when the item is checked out.

Schmidt discloses checking out the item selected by the user, such that modification of the item is restricted when the item is checked out (col. 3, lines 57-68 and col. 4, lines 1-22). It would have been obvious to one having ordinary skill in the art at the time the invention was made to compare a stream of the item in the source code control (SCC) system with a stream of the item in a database, determine whether the stream in the source code control (SCC) system is different than the stream in the database, provide a user a choice to select one of the stream in the source code control (SCC) system and the stream in the database and to combine House's comparing a stream of the item in the source code control (SCC) system with a stream of the item in a database, determine whether the stream in the source code control (SCC) system is different than the stream in the database, provide a user a choice to select one of the stream in the source code control (SCC) system and the stream in the database with Schmidt's checking the item out because such a modification in House would allow House to have a Source Code Control System

Art Unit: 3624

(SCC) that enforces the check-out regime and restricts the modification to the (file) item.

This claim is also rejected for the similar rationale given for claims 1-4.

With respect to claim 11, House teaches retrieving the stream of the item (col. 7, lines 16-22) and retrieving the stream of the item from the database (col. 3, lines 48-51 and col. 7, lines 6-11). House did not teach source code control (SCC) system. Schmidt discloses the source code control (SCC) system (col. 3, lines 56-58). It would have been obvious to one having ordinary skill in the art at the time the invention was made to retrieve the stream of the item and retrieve the stream of the item from the database and to combine House's retrieving the stream of the item and retrieving the stream of the item from the database with Schmidt's source code control (SCC) system because such a modification in House would allow House to have a Source Code Control System (SCC) that enforces the check-out regime and to control access.

With respect to claim 12 this dependent claim is rejected for the similar rationale given for claim 15.

With respect to claim 13 this dependent claim is rejected for the similar rationale given for claims 11 and 12.

With respect to claim 14, this dependent claim is rejected for the similar rationale given for claims 15.

With respect to claim 15, this independent claim is rejected for the similar rationale given for claim 10.

Art Unit: 3624

With respect to claim 16, this dependent claim is rejected for the similar rationale given for claim 11.

With respect to claim 17, this dependent claim is rejected for the similar rationale given for claim 13.

With respect to claim 18, this claim is rejected for the similar rationale given for claim 14.

With respect to claim 19, House teaches, a database having the database item, wherein the database invokes the first program upon receiving a request to access the database item (col. 3, lines 44-50). House did not teach, a source code control (SCC) system to store versions of the item and a first program to check in and check out the item, such that modification of the item is restricted when the item is checked out. However, House did teach a first program in col. 4, lines 32-49.

Schmidt discloses a source code control (SCC) system to store versions of the item (col. 3, lines 56-60), and a first program to check in and check out the item, such that modification of the item is restricted when the item is checked out (col. 4, lines 3-22 and col. 8, lines 45-50). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a source code control (SCC) system to store versions of the item and a first program to check in and check out the item the database item, such that modification of the item is restricted when the item is checked out and to combine House's database having the item with Schmidt's source code control (SCC) system to store versions of the item and a first program to check in and check out the item, such that modification of the item is restricted when

Art Unit: 3624

the item is checked out because such a modification in House would allow House's system manage the versions of source code programs enforcing a check-in and check-out regimen for controlling access to versions of programs being changed (modified).

With respect to claim 20, House teaches, wherein the database comprises an editor program to edit the stored item (col. 4, lines 24-31 and col. 6, lines 8-16).

With respect to claim 21, House did not teach wherein the database requests to check out the database item such that the first program checks out the database item. Schmidt discloses, wherein the database requests to check out the database item such that the first program checks out the database item (col. 4, lines 41-42 and lines 51-54). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the database request to check out the database item such that the first program checks out the database item and to modify in House because such a modification would allow House to check the consistency of the system and to have the Software Manufacturing Facility (SMF) to include a database of standard versions for common files such as the system library.

With respect to claim 22, House did not teach, wherein the first program provides the database a choice of one or more different versions of the database item at the source code control (SCC) system. Schmidt discloses, wherein the first program provides the database a choice of one or more different versions of the database item at the source code control (SCC) system (col. 5, lines 5-10 and lines 21-31). It

Art Unit: 3624

would have been obvious to one having ordinary skill in the art at the time the invention was made to have the first program provide the database a choice of one or more different versions of the database item at the source code control (SCC) system and to modify in House because such a modification would allow House the ability for users to categorize different versions of the database of objects and for the user to have the ability to switch versions so that the versions can be arranged so the desired layer occurs before any other layers that might apply to the object.

Response to Arguments

7. Applicant's arguments filed 08/27/02 have been fully considered but they are not persuasive.

1. Applicants' argue: The present invention is directed to the versioning of database items, such as text-stream stored procedures and binary streams within the database itself and Schmidt, on the other hand, is directed to the versioning of standard computer programs, and not the versioning of items as text and binary streams within the database itself has been considered but is not persuasive because Applicants' claim limitations do not disclose or suggest that the versioning of database items are text-stream stored procedures and binary streams within the database itself. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

2. Applicants' argue: Neither House nor Schmidt, alone or in combination, provide a mechanism that stores an updated version both in an SCC system and in a

Art Unit: 3624

database and neither describes the notion of a source code control system for database items that exercises version control over the items, while permitting the database to conduct normal database operations has been considered but is not persuasive based on the Applicants' claim language does not appear to suggest or disclose what Applicants' consider as "normal database operations." The Examiner does not find or interpret the claim limitations of claims 1-22 as "storing an updated version both in the SCC system and in a database." Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

3. Applicants' argue: there is no suggestion in either House or Schmidt to provide another database, separate from the SCC has been considered but is not persuasive based on the Examiner does not interpret the claim limitations as disclosing or suggesting the Applicants' have "another database, separate from the SCC." Do Applicants' mean they have more than one database or just one database that is completely separate from the SCC? Please clarify in the claim language and to the Examiner.

4. Applicants' argue: Applicants' respectfully assert that neither Schmidt, House nor those aspects well known to those skilled in the art would provide specific guidance that would lead one of ordinary skill in the art in the present invention and therefore, the Office Action failed to establish a prima facie case of obviousness has been considered but is not persuasive based on the following reasons:

Art Unit: 3624

(1) A suggestion/motivation, it is assumed relies to some extent on the knowledge of persons skilled in the art to complement that which is disclosed therein. Further, the skilled artisan is presumed to know something more about the art than only what is disclosed in the applied reference. In other words, the person having ordinary skill in the art has a level of knowledge apart from the content of the reference or references. *In re Bode*, 550 F.2d 656, 660, 193 USPQ 12, 16 (CCPA 1977); *In re Jacoby*, 309 F.2d 513, 516, 135 USPQ 317, 319 (CCPA 1962).

Sources of Rationale Supporting a Rejection Under 35 U.S.C. 103: Rationale may be in a reference, or reasoned from common knowledge in the art, scientific principles, art – recognized equivalents, or legal precedent. MPEP 2144.

(2) The Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the Specification (see below):

2111 Claim Interpretation; Broadest Reasonable Interpretation [R-1]

>CLAIMS MUST BE GIVEN THEIR BROADEST REASONABLE INTERPRETATION

During patent examination, the pending claims must be "given the broadest reasonable interpretation consistent with the specification." Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPO 541,550-51 (CCA 1969)<.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

Art Unit: 3624

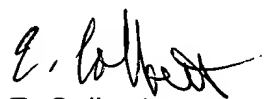
TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

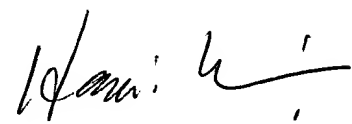
Inquiries

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 703-308-7064. The examiner can normally be reached on Monday-Thursday from 6:30 am -5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1038. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for Official communications and 703-746-5622 for Non-Official communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.


E. Colbert
November 5, 2002


HANI M. KAZIMI
PRIMARY EXAMINER